

1 PETITION FOR A WRIT OF HABEAS CORPUS BY A PERSON IN STATE CUSTODY
23 Name: Reed John LAST FIRST MIDDLE INITIAL
45 Prisoner Number: BF3886
67 Institutional Address: P.O.BOX 705, Soledad, Ca. 93960
89
10 UNITED STATES DISTRICT COURT
11
12 NORTHERN DISTRICT OF CALIFORNIA
13
14
15
16
17
18

)
)
John Reed) Case Number: _____
) (Provided by the clerk upon filing)
)
 Petitioner,)
)
 vs.) PETITION FOR A WRIT
) OF HABEAS CORPUS
Smith, Warden (A) SCC; Martinez)
)
 Respondent(s).)
Warden CTF; et al,)
)

19 I. INFORMATION ABOUT YOUR CONVICTION AND SENTENCE
2021 A. What sentence are you challenging in this petition?
2223 1. Name and location of court that imposed sentence (for example: Alameda County
24 Superior Court, Oakland):
2526 2. Court Alameda County Superior Court
2728 3. Location 1225 Fallon St. Oakland, Ca. 94607
2930 4. Case number, if known 175169
3132 5. Date and terms of sentence 02/05/2018; twenty-one years
3334 6. Are you now in custody serving this term? ("In custody" means in jail, on parole or
35 probation, etc.) YES NO
36

1 If yes, provide name and address of institution:

2 Correctional Training Facility-Soledad (CTF)

3 P.O.BOX 705, Soledad, Ca, 93960

4 B. For what crime were you given this sentence?

5 *Note:* If your petition challenges a sentence for more than one crime, list each crime separately
using California Penal Code numbers, if known. If you are challenging more than one sentence,
you should file a different petition for each sentence.

7 (1) Ca. Pen. Code § 192(a) Voluntary Manslaughter

8 (2) Ca. Pen. Code § 12022.5 Additional punishment for
9 use of firearm

10 C. Did you have any of the following proceedings?

11 Arraignment: YES NO

12 Preliminary Hearing: YES NO

13 Motion to Suppress: YES NO

14 D. How did you plead? Guilty Not Guilty Nolo Contendere

15 Any other plea (specify) _____

16 E. If you went to trial, what kind of trial did you have?

17 Jury Judge alone Judge alone on a transcript

18 F. Did you testify at your trial? YES NO

19 G. Did you have an attorney at the following proceedings:

20 1. Arraignment YES NO

21 2. Preliminary hearing YES NO

22 3. Time of plea YES NO

23 4. Trial YES NO

24 5. Sentencing YES NO

25 6. Appeal YES NO

26 7. Other post-conviction proceeding YES NO

27 H. Did you appeal your conviction? YES NO

28 1. If you appealed, to what court(s) did you appeal?

1 Court of Appeal..... YES Year: _____ NO

2 Result: _____

3 Supreme Court of California..... YES Year: _____ NO

4 Result: _____

5 Any other court YES Year: _____ NO

6 Result: _____

7 2. If you appealed, were the grounds the same as those that you are raising in this
petition?..... YES NO

8 3. Did the court issue an opinion?..... YES NO

9 4. Did you seek permission to file a late appeal under Rule 31(a)?..... YES NO

10 11 If you did, give the name of the court and the result: _____
12 _____

13 I. Other than appeals, have you previously filed any petitions, applications or motions with
14 respect to this conviction in any court, state or federal?..... YES NO

15 *Note:* If you previously filed a petition for a writ of habeas corpus in federal court challenging the
16 same conviction you are challenging now and if that petition was denied or dismissed with
17 prejudice, you must first file a motion in the U. S. Court of Appeals for the Ninth Circuit
18 for an order authorizing this court to consider this petition. You may not file a second or
successive federal habeas petition without first obtaining such an order from the Ninth Circuit.
28 U.S.C. § 2244(b).

19 If you sought relief in any proceeding other than an appeal, answer the following
20 questions for each proceeding. Attach extra paper if you need more space.

21 1. Name of court: _____

22 Type of proceeding: _____

23 Grounds raised (be brief but specific):

24 a. _____

25 b. _____

26 c. _____

27 d. _____

28 Result: _____ Date of result: _____

1 2. Name of court: _____

2 Type of proceeding: _____

3 Grounds raised (be brief but specific):

4 a. _____

5 b. _____

6 c. _____

7 d. _____

8 Result: _____ Date of result: _____

9 3. Name of court: _____

10 Type of proceeding: _____

11 Grounds raised (be brief but specific):

12 a. _____

13 b. _____

14 c. _____

15 d. _____

16 Result: _____ Date of result: _____

17 4. Name of court: _____

18 Type of proceeding: _____

19 Grounds raised (be brief but specific):

20 a. _____

21 b. _____

22 c. _____

23 d. _____

24 Result: _____ Date of result: _____

25 J. Is any petition, appeal or other post-conviction proceeding now pending in any court?

26 YES NO

27 Name and location of court: _____

28 _____

1 II. GROUNDS FOR RELIEF

2 State briefly every reason why you believe you are being confined unlawfully. Give facts to
3 support each claim. For example, what right or privilege were you denied? What happened?
4 Who made the error? Avoid legal arguments with numerous case citations. Attach extra paper if
5 you need more space. Answer the same questions for each claim.

6 *Note: You must present ALL your claims in your first federal habeas petition. Subsequent petitions*
7 *may be dismissed without review on the merits. 28 USC § 2244(b); McCleskey v. Zant, 499 U.S.*
467, 111 S. Ct. 1454, 113 L. Ed. 2d 517 (1991).

8 Claim One: CDCR deprived me of an expectation or interest
9 created by prison regulations without due process. (continues)

10 Supporting facts: On 03/01/2023, I was approved for endorse-
11 ment to SCC-I (CAMP) by CSR J. Rowan. this approval was
12 to expire on 08/28/2023 and required a return to the CSR
13 AUDITOR for re-authorization. Before the expiration (continues)

14 Claim Two: _____

15 Supporting facts: _____

16 Supporting facts: _____

17 Supporting facts: _____

18 Supporting facts: _____

19 Supporting facts: _____

20 Supporting facts: _____

21 Supporting facts: _____

22 Supporting facts: _____

II. GROUNDS FOR RELIEF(continuation):

Claim One (continuation): The existence of a liberty interest created by prison regulations is determined by focusing on the nature of the deprivation. Sandin v. Connor, 515 U.S. 472, 481-484 (1995).

Supporting facts (continuation): date arrived, on 04/18/2023, I was subjected to a non committee endorsement by non CSR Auditors. The section of the non committee endorsement Auditor Comments states as follows: "Subject is endorsed for transfer from SCC to CTF per an agreement between Warden Smith (A) at SCC and Warden Martinez at CTF. Critical case factors relevant to subject's transfer were discussed by A Heusel C&PR (A) at SCC and J. Heastie C&PR at CTF. Subject's transfer to CTF has been approved by PMU due to not being a viable camp firefighter. No enemy concerns noted at CTF." Auditors Name: "N. Thompson; Auditor's Title: CCIII (A)"

On 04/23/2023, I submitted a multi-purpose form to CCI Raso, as follows: "Accord[ing] to title 15 § 3375 &c)-(e), (f)(1)(3)(4), I have been given a[n] adverse transfer without being present at the committee. Nor sign for absentia either..." the response to this multi-purpose form was: " You have been provided with all requested copies." prior to this request I was not given proper notification of re-authorization for transfer.

Pursuant to Ca. Code regs. Tit. 15 § 3379(a) transfer requirements. (1) "Unless exempted within this subsection, any incarcerated person transfer shall require a classification committee action and endorsement by a classification staff representative (CSR) or expedited transfer approval by the Chief of the Population Management Unit (PMU). A classification committee action and CSR endorsement is not required in the case of expedited transfers warranted under emergent circumstances, including but not limited to incarcerated person medical or mental health needs and transfers from

II. GROUNDS FOR RELIEF(continuation):

Supporting facts (continuation): One restricted housing unit to a **similar** restricted housing unit." (b) "Placement in level. An incarcerated person endorsed for any level placement and transferred to an institution with several levels shall be placed in the endorsed level within 60 days of arrival or shall be referred to the next scheduled CSR for alternative action. A warden or superintendent may temporarily place an incarcerated person in a facility of an institution for which the incarcerated person has not otherwise been endorsed. Such placement shall not exceed 30 days without CSR review and approval. Reason for such placement may include protection or medical needs of the incarcerated person, an incompletely investigation, disciplinary action, court proceedings, or a pending transfer." And (a)(4) " A warden or superintendent may temporarily suspend a scheduled incarcerated person transfer. such suspension shall constitute a classification action and be recorded on a chrono as provided by section 3375(a)(2) of these regulations, including the reason for the action and a recommendation for an alternative program assignment."

Pursuant to section 3375 (f)"The classification of incarcerated persons shall provide the following procedural safeguards: (1) Incarcerated persons shall be given written notice at least 72 hours in advance of a hearing which could result in an adverse effect. Adverse effect is defined as: (D) Involuntary removal from an assigned program. (E) Placement in a reduced work group. (F) Involuntary transfer to another institution/facility because of...new information that may affect staff, incarcerated persons...whether or not their placement score is consistent with the receiving institution's/facility security level."

II. GROUNDS FOR RELIEF(continuation)

Supporting facts(continuation): Pursuant to section 3375.(f)(3) "an in absentia (without incarcerated person's presence) classification hearings may only be held only when: (A) The incarcerated person refuses to appear before the committee. (B) The incarcerated person is physically incapable of appearing before the committee, or is determined by a psychiatrist to be mentally incompetent and cannot understand the purpose of the hearing. (C) The purpose of the hearing is to: 1. Improve the incarcerated person's conditions of confinement by reducing or removing a previously imposed restriction. 2. Approve an action requested in writing by the incarcerated person. 3. Determine the need for scheduling, or to schedule, a future classification committee action."

In this instant case the prison administrators allege that the expedited transfer was approved by the Population management unit on 04/18/2023. But section 3379(a)(4) clearly states that a suspension of an endorsed transfer by the warden constitutes a classification action; and it is established that I was endorsed to SCC on 03/01/2023, and that endorsement was to expire on 08/28/2023.

Section 3379(b) allows warden to transfer incarcerated person without endorsement for up to 30 days for protection, medical needs, investigation, disciplinary action, court proceedings or pending transfer; but the wardens failed to follow section 3379(a)(1) which states that under emergent circumstances the transfer must be to a "similar" housing unit.

Here I have been deprived of (1) proper notification before classification hearing (2) attendance of such hearing (3) Transfer to a similar housing unit (4) and Good time and work time credit earning opportunities because of the adverse transfer inwhich was made in violation of procedural safeguards, including section 3044.2 (a)(1) "Non-adverse

II. GROUNDS FOR RELIEF(continuation)

Supporting facts (continuation): transfers. A non-adverse transfer is movement of an incarcerated person to a less restrictive institution or program where the security level is the same or lower..." (c.f. section 3379 (a)(1))

Pursuant to 3044.2(a)(2)"...Incarcerated persons assigned to work group F shall revert to work group M effective the date removed from camp or institution fire fighter assignment or as appropriate per CCR 3044."

pursuant to section 3044 (b)(8) "Work Group M (minimum Custody or otherwise eligible for minimum Custody). Assignment to Work group M awards Good Conduct credit pursuant to subsections 3043.2(b)(5)(A) and 3043.2(b)(5)(B)"

I should have reverted to Work Group M upon removal from camp and received Good conduct credits pursuant to subsections 3043.2(b)5()(A) and 3043.2(b)(5)(B). Yet I have not received the Good conduct credits due or further subsection 3332 (b) "Non-Disciplinary Restricted housing. (4) Incarcerated persons assigned to Work group (WG) M or F and designated NDRH shall retain their WG status in accordance with subsections 3044(b)(7)(D) and 3044(b)(8)(E). Privileges shall be in accordance with subsections 3044(c)(6)(A)1. and 3190(c)"

The prison administrators have ignored their regulations when it comes to applying the regulations to me. I should be receiving Two days of credit for every one day of incarceration (credit rate of 66.6%) per the above cited regulations. Yet I am not. and at the least I should be receiving credits in the rate of 50% and yet I am not.

this still does not remove or make moot the prison administrators failure to provide safeguards before transfer to CTF-Soledad From SCC-Camp.

1

2

3 List, by name and citation only, any cases that you think are close factually to yours so that they
4 are an example of the error you believe occurred in your case. Do not discuss the holding or
5 reasoning of these cases: Sandin v. Connor, 515 U.S. 472, 481-484
6 (1995)

7

8

9 Do you have an attorney for this petition?.....YES NO

10 If you do, give the name and address of your attorney: _____

11 _____

12 _____

13 WHEREFORE, petitioner prays that the court grant him/her the relief to which he/she may be
14 entitled in this action. I verify under penalty of perjury that the foregoing is true and correct.

15 Executed on:

16 11-19-24
17 Date

John Reid
18 Signature of Petitioner

19 _____

20 _____

21 _____

22 _____

23 _____

24 _____

25 _____

26 _____

27 _____

28 _____

EXHIBIT

A

STATE OF CALIFORNIA
GRIEVANCE
CDCR 602-1 (Rev. 01/22)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

Page 1 of 2

STAFF USE ONLY	OGT Log No: <u>3490098</u>	Date Received: <u>MAY 05 2023</u>
	Decision Due Date: _____	Categories: _____

OTF RECEIVED

MAY 05 2023

OFFICE OF GRIEVANCE

Claimant Name: John Reed CDCR #: BF3886
 Institution/Parole Region: C.T.F Solcoad Current Housing/Parole Unit: A-Lassen-B-222

STAFF USE ONLY

Use this form to file a complaint with the Department.

In order for the Department to understand your complaint, please answer all of the following questions:

- What is the nature of your complaint? Violation in the method of recording violation of D.O.M. TICID.7
Failure to perform within training D.O.M. 3305-19 D.26)
Violation of records D.O.M. 3305-19 E.4) willfully all D.O.M. 3305-19
- When and where did the complaint occur? See Facility B
- Who was involved? Wharden Smith (A), Wharden Martinez (CTF), A. Heuer (PAR(A)) SIC P.J. MEASIE (P) PR SIC T
- Which specific people can support your complaint? CDR records STAFF
- Did you try to informally resolve the complaint? Yes
- What rule or policy are you relying on to make your complaint? See below!
- What specific action would resolve your complaint? Audit Report to D.O.M. TICID.13; T1010.13 Related TICID.1
enforcement to MSCP MSP Internate Review

NOTE: Attach documents that help support your complaint (identify the documents if you do not have them).

On 04-18-2023 I was transferred from SIC to CTF in a non-committee endorsement by
See Wharden Smith (A) and CTF Wharden Martinez. This action was audited by C.C.U. (A) N. Thompson
The transfer was effected based on the subject: not being a visible FireFighter. (See Audit
Comments (documented 04-18-2023)

I have and had a Medical Extramural Capicity of Full Duty, which is a qualification for all
institutional assignments (including SIC). Per D.O.M. 237.10 ATTACHMENT APPENDIX
1 (C)(2)(B) and APPENDIX 3 Fire Camps special skills Non-FireFighters (Assignment)
to CTF The Requirements

There are many reasons why an inmate might be transferred to a different Facility.
1 Transfer might be necessary to meet someone's medical needs, it is not so in this case.
2 Transfer might also occur for administrative reasons such as to change a Facility's mission
or to provide for staff shortages, but no single inmate should be targeted when that inmate
has a Full Duty Classification Factor.

When I was transferred it was not a non-committee transfer, it is not longer relevant
workcamp credits per Title 15 C.C.R. 3044.2 (2)(X)(2) impact in transfer workcamp.
When a transfer happen and no misbehavior is involved, there is no impact on

STATE OF CALIFORNIA
GRIEVANCE
CDCR 602-1 (Rev. 01/22)

CONTINUATION PAGE

DEPARTMENT OF CORRECTIONS AND REHABILITATION

Page 2 of 2

THE WORK GROUPS SEE ALSO IN RE REED (1985) 171 CAL. APP. 3D 638, 644.
NOTE THAT ONLY ASSIGNMENT TO WORK GROUPS FOR M INCREASES CREDITS TO INTEGRATE. (SEE TITLE 15 C.C.R. 3044 (b)(7) (B)(D)(F) & (B)(A)(R)) AND ALL RE-ASSIGNMENTS TO A WORK GROUP SHALL BE APPROVED BY ^{PP} A CLASSIFICATION COMMITTEE (SEE TITLE 15 C.C.R. 3044 (b)) MY TRANSFER WAS A CLASSIFICATION COMMITTEE ACTION BETWEEN WORKERS. (SEE ENCLASMENT 04/18/2023)

Per D.C.M. 71010.4 "IT IS THE RESPONSIBILITY OF THE CASE RECORDS STAFF TO ANALYZE GOOD BEHAVIOR CREDITS"

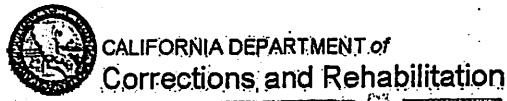
Per D.C.M. 71010.7 "VARATIONS IN THE METHODS OF REMEDYING SHALL NOT OCCUR. [THE]... CSR SHALL CHECK ALL FILES REVIEWED TO ENSURE THE MATERIAL IN SUCH FILES IS IN THE ORDER SPECIFIED AND THAT REASONABLE EFFORT IS BEING MADE TO BERRY ABOUT UNDERTAKING."

ALL REASSIGNMENT IS ILLEGAL DUE TO VIOLATION OF THE ABOVE REGULATIONS AND D.C.M. PRIORIES

REFER TO RCP 2038 DATED 03/21/2023

Claimant Signature: _____

Date Signed: _____



CALIFORNIA DEPARTMENT of
Corrections and Rehabilitation

OFFICE OF GRIEVANCES DECISION

LA-220

Offender Name: REED, JOHN

Date: 05/10/2023

CDC#: BF3886

Current Location: CTF-Facility A

Current Area/Bed: A LA A2 - 222001L

Log #: 000000396098

Claim #: 001

Received at Institution/Parole Region: Correctional Training Facility

Submitted to Facility/Parole District: Correctional Training Facility

Housing Area/Parole Unit:

Category: Offender Classification

Sub-Category: Transfer Issue or Transfer Requests

The California Department of Corrections and Rehabilitation received your grievance on 05/05/2023 which you submitted on 05/05/2023. Your claim regarding Offender Classification;Transfer Issue or Transfer Requests was reassigned to the Office of Grievances at Sierra Conservation Center in accordance with the California Code of Regulations, title 15.

The Office of Grievances at Sierra Conservation Center will respond separately to your claim on or before 07/05/2023.

If you are dissatisfied with this response you may appeal this decision by mailing the CDCR Form 602-2 included in this response to the California Department of Corrections and Rehabilitation, Office of Appeals. Do not resubmit this claim to the Office of Grievances.

Decision: Reassigned

MULTI-PURPOSE FORM

CCJ Raso
(Name)CCJ
(Title)

DATE: 4-23-23

MEDICAL CONCERN
 DENTAL CONCERN
 VISITING CONCERN
 REQUEST FOR INTERVIEW
 PACKAGE ROOM
 REQUEST TO REVIEW CENTRAL FILE
 FAMILY HOUSING UNIT VISIT INTERVIEW
 TRUST OFFICE: Request for metered envelopes(No funds)
 R.P.R.D.: You should be within six (6) months of release date to inquire

TRUST ACCOUNT BALANCE \$ _____
 TRUST ACCOUNT WITHDRAWAL
 REQUEST FOR CELL CHANGE
 REQUEST FOR CHAPLAIN INTERVIEW
 REQUEST FOR LAW LIBRARY
 PACKAGE ROOM OFFICER
 MEDICAL CLEARANCE REQUEST

REASON FOR REQUEST (Be specific: Explain your problem): Accordance to titl 15 3375. (e)(1) (3) (4)

I have been given a adverse Transfer without being present at the Committee. Nor sign for absence either. I believe this is abuse of Authority. I'm trying to work this out internally. I would like to be endorsed to Folsom Parole to resolve this issue. I have Complaints and R.R's I was told in 30 days you have been provided with all requested copies. As previously informed your transfer was not illegal but you have the right to appeal.

INMATE NAME: _____

INMATE NUMBER: _____

CELL: _____

ASSIGNMENT: _____

HOURS: _____

RDOs: _____

CCJ 301 Rev



CALIFORNIA DEPARTMENT of
Corrections and Rehabilitation

AUDITOR ACTION

Inmate Name: REED, JOHN

Date: 03/01/2023

CDC#: BF3886

Security Level: Level 1 (0)

Facility: SOL-Facility A

Audit Type: Transfer Endorsement (between Institutions)

Audit Result: Endorsed

Administrative Determinants:

Critical Work Skill (Removed/Disapproved)

Transfer Endorsement

<input checked="" type="checkbox"/> Life Prisoner	BPH Hearing Date:	<input checked="" type="checkbox"/> Condemned <input checked="" type="checkbox"/> LWOP <input checked="" type="checkbox"/> N/A
---	-------------------	--

Enemy Concerns

<input checked="" type="checkbox"/> Offender Separation Noted <input checked="" type="checkbox"/> No Comment	<input checked="" type="checkbox"/> SNY
<input checked="" type="checkbox"/> Offender Separation Clear	
<input checked="" type="checkbox"/> Enemy at Receiving Institution	

"R" Suffix Issues

Other Case Factors

<input checked="" type="checkbox"/> "R" Suffix Noted <input checked="" type="checkbox"/> "R" Suffix Read <input checked="" type="checkbox"/> N/A	<input checked="" type="checkbox"/> VIO <input checked="" type="checkbox"/> ESC <input checked="" type="checkbox"/> Sex <input checked="" type="checkbox"/> Arson <input checked="" type="checkbox"/> Computer
--	--

Close Custody

"S" Suffix Issues

<input checked="" type="checkbox"/> Close <input checked="" type="checkbox"/> N/A	<input checked="" type="checkbox"/> Suffix Noted <input checked="" type="checkbox"/> Single Cell Rx
---	---

Endorsement is based on Dept Need
 Hardship Re-direct Tx Re-affirm Tx

Prior CSR concerns have been addressed
 Prior CSR action is recinded

MHSDC Issues

Clinical Category Issues

<input checked="" type="checkbox"/> CCCMS <input checked="" type="checkbox"/> Remove from MHSDC 03/01/2022 <input checked="" type="checkbox"/> EOP <input checked="" type="checkbox"/> No MHSDC Needs	<input checked="" type="checkbox"/> I <input checked="" type="checkbox"/> II <input checked="" type="checkbox"/> N/A
---	--

Madrid Clearance
Date:

Restricted - Cacci Area 1
 Restricted - Cacci Area 2
 SNY

		Transport Precaution Code
DPP Issues <input type="checkbox"/> DPW (Wheelchair) <input type="checkbox"/> DPM (Mobility) <input type="checkbox"/> DPV (Vision) <input type="checkbox"/> DPH (Hearing) <input type="checkbox"/> DPS (Speech) <input type="checkbox"/> DPO (Other) <input type="checkbox"/> DNM <input type="checkbox"/> DNV <input type="checkbox"/> DNH <input type="checkbox"/> DNS <input type="checkbox"/> DLT <input type="checkbox"/> DKD		<input type="checkbox"/> 92
DDP Issues <input checked="" type="checkbox"/> NCF <input checked="" type="checkbox"/> NDD <input checked="" type="checkbox"/> DD1 <input checked="" type="checkbox"/> DD2 <input checked="" type="checkbox"/> DD3 <input type="checkbox"/> N/A Date: 11/17/2004		<input type="checkbox"/> ICE Potential <input type="checkbox"/> Other Potential <input type="checkbox"/> ICE Active <input type="checkbox"/> Other Active <input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor
Confidential Folder <input checked="" type="checkbox"/> Clear <input checked="" type="checkbox"/> Information Noted <input checked="" type="checkbox"/> No Comment		
Miscellaneous Issues/Comments <input type="checkbox"/> This is a Retention <input type="checkbox"/> Transfer upon MERD expiration <input type="checkbox"/> Retain ASU (180 days) pending Transfer <input type="checkbox"/> Case conferred with a CSU Manager		
Institution Approved:	Sierra Conservation Center	Program: SCC-I(Camp) Override Reason: ZZZ-None
This transfer approval expires on 08/28/2023 and will require return to Auditor for re-authorization.		

AUDITOR	
Name: J. Rowan	Title: CSR Date 03/01/2023

CDCR SOMS ICCT164 - Auditor Action



CALIFORNIA DEPARTMENT OF
Corrections and Rehabilitation

NON COMMITTEE ENDORSEMENT

Inmate Name: REED, JOHN

Date: 04/18/2023

CDC#: BF3886

Security Level: Level 1 (0)

Facility: SCC-Facility B

Auditor Action

Audit Type:

Warden-to-Warden Agreement

Administrative Determinant

Type	Status	Comments

Transfer Endorsement

Institution Approved: Correctional Training Facility

Program: CTF-NA(NCE)

Override Reason: ZZZ-None

Decision Date: 04/18/2023

Expiration Date: 05/19/2023

Auditor Comments

Subject is endorsed for transfer from SCC to CTF per an agreement between Warden Smith (A) at SCC and Warden Martinez at CTF. Critical case factors relevant to subject's transfer were discussed by A Heusel C&PR (A) at SCC and J. Heastie C&PR at CTF. Subject's transfer to CTF has been approved by PMU due to not being a viable camp firefighter. No enemy concerns noted at CTF.

Auditor Name: N. Thompson

Auditor Title: CCIII(A)

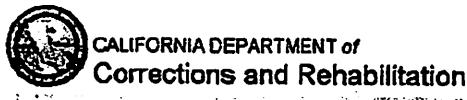
Audit Result: Endorsed

N. Thompson



04/18/2023

Date



CALIFORNIA DEPARTMENT of
Corrections and Rehabilitation

OFFICE OF GRIEVANCES DECISION

Offender Name: REED, JOHN

CDC#: BF3886

Current Location: CTF-Facility A

Date: 06/23/2023

JUL 14 2023

Current Area/Bed: A LA A2 - 222001L

OOA RECEIVED

Log #: 000000397504

Claim #: 001

Received at Institution/Parole Region: Sierra Conservation Center

Submitted to Facility/Parole District: SCC-Facility A

Housing Area/Parole Unit:

Category: Offender Classification

Sub-Category: Transfer Issue or Transfer Requests

I. CLAIM

You claim you were transferred to Correctional Training Facility (CTF) involuntarily and without having been seen by a Unit Classification Committee (UCC) which you state is against policy.

II. RULES AND REFERENCES

A. CONTROLLING AUTHORITY

California Code of Regulations (CCR) Title 15, Section 3379, Inmate Transfers
Departmental Policy Memorandum dated November 23, 2016

B. DOCUMENTS CONSIDERED

Non Committee Endorsement dated April 18, 2023

III. REASONING AND DECISION

You were transferred from Sierra Conservation Center (SCC) to CTF through a Warden to Warden agreement which is recorded on a Non Committee Endorsement (NCE) and does not utilize the UCC process. Pursuant to CCR Title 15, Section 3379, Inmate Transfers, transfers are usually required to be referred through a UCC, however exempted circumstances, including emergent circumstances, do not require a UCC for transfer approval. At the time of your transfer, SCC was in a bed space emergency, meaning there were no available beds for scheduled intake and no room to house any more inmates. SCC was also at maximum capacity for non-firefighters at Camp, and at the time could not house any more special skills or utility inmates at camp. Over the period of three weeks, SCC sent approximately 150 non-firefighter inmates to alternate institutions at the approval of the Population Management Unit and within policy as described in CCR Title 15, Section 3379, Inmate Transfers and the November 23, 2016 policy memorandum.

IV. Comments

There were no policy violations therefore, this grievance is denied.

Decision: Denied

After a thorough review of all the documents and evidence presented to the Office of Grievances, it is the order of the Office of Grievances to DENY this claim.

If you are dissatisfied with this response you may appeal this decision by mailing the CDCR Form 602-2 included in this response to the California

OOA RECEIVED

STATE OF CALIFORNIA
APPEAL OF GRIEVANCE
CDCR 602-2 (Rev. 01/22)

JUL 14 2023

DEPARTMENT OF CORRECTIONS AND REHABILITATION

Page 1 of 2

STAFF USE ONLY	OGT Log No: <u>000000397504</u>	Date Received: _____
	Decision Due Date: _____	
	Categories: _____	

Claimant Name: REED, JOHN CDCR #: BF3886
 Institution/Parole Region: CTF - Facility A Current Housing/Parole Unit: A-LA-222001L

STAFF USE ONLY

OOA Review
 Imminent Risk: Y / D ✓ -
 OOG Notification: Y / H
 Initials: DR Date: 7/17/23

Use this form to appeal a decision or a remedy by the Office of Grievances.

Do not include new complaints on this form, they must first be filed with the Office of Grievances on a Form 602-1.

OGT Log No: 000000397504Claim No: I

Explain the reason for your appeal. Be as specific as you can.

I am dissatisfied with the response I was given because R. Vincent omitted facts in his findings and response. Falsification of records (D.O.M. 33030.19 E 9) turns into D.O.M. 33030.190. Mr. Vincent willingly and knowingly chose to address two of my claims. However, if you refer to attached documents, I was declared as a (Findings/State Determinant, this is a false statement as, well as stating that my transfer is a (now adverse.) All untrue. Who will protect us from collusion and cover-ups? This non-committed action has had a huge adverse effect on my program clearly. I agree with this decision. Refer to attachment.

This form shall be submitted by mail to:
 Office of Appeals
 Department of Corrections and Rehabilitation
 P.O. Box 942883
 Sacramento, CA 95811

IMPORTANT:

The Office of Appeals will consider all of the supporting documentation you previously submitted to the Office of Grievances when reviewing your appeal, but will not consider any new documentation.

Therefore, it is recommended you not attach any documentation to this form.

Furthermore, any documentation you attach to this form will not be returned to you.

Claimant Signature: John ReedDate Signed: 7-9-23

ADA Accessible

**STATE OF CALIFORNIA
APPEAL OF GRIEVANCE
CDCR 602-2 (Rev. 01/22)**

CONTINUATION PAGE

DEPARTMENT OF CORRECTIONS AND REHABILITATION

Page 2 of 2

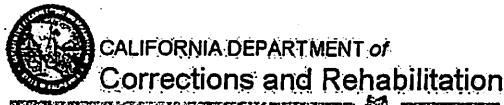
OGT Log No: 000000397504 Claim No: _____

Explain the reason for your appeal. Be as specific as you can.

I am dissatisfied with the response I was given because _____

~~00A RECEIVED~~

JUL 14 2023



CALIFORNIA DEPARTMENT OF
Corrections and Rehabilitation

CTF RECEIVED

SEP 15 2023

OFFICE OF APPEALS DECISION

Offender Name: REED, JOHN

Date: 09/10/2023

CDC#: BF3886

Current Location: CTF-Facility A

Current Area/Bed: A LA A2 - 222001L

Log #: 000000397504

Claim # 001

Received at Institution/Parole Region: Sierra Conservation Center

Submitted to Facility/Parole District: SCC-Facility A

Housing Area/Parole Unit:

Category: Offender Classification

Sub-Category: Transfer Issue or Transfer Requests

I. ISSUE ON APPEAL

Appellant disagrees with transfer from Sierra Conservation Center to Correctional Training Facility because they were eligible for all assignments at Sierra Conservation Center and Camp Special Skills assignments.

II. RULES AND REFERENCES

A. CONTROLLING AUTHORITY

Title 15, sections 3375, 3376, and 3379; Penal Code, section 5068

B. DOCUMENTS CONSIDERED

Offender Grievance Tracking, log no. 397504; Non-Committee Endorsement, dated April 18, 2023

III. REASONING AND DECISION

Appellant was transferred from Sierra Conservation Center to Correctional Training Facility because space was needed to accommodate intake of firefighter eligible inmates. It is noted Sierra Conservation Center is responsible for training and maintaining the population at all fire camps which is the priority. Appellant is not eligible for firefighting duty and was identified for transfer to an alternate location because there is not a current need for special skills workers. This is consistent with Penal Code, section 5068 which provides the Department flexibility to manage its population based on the availability of programs and housing. Based on a preponderance of evidence available at the time of review there was no violation of policy. For these reasons this claim is denied.

IV. REMEDY

Your claim has been denied. Therefore, there is no applicable remedy.

Decision: Denied

After a thorough review of all documents and evidence available at the time of this written decision, it is the order of the Office of Appeals that this claim is denied. This decision exhausts the administrative remedies available to the claimant within CDR.

Staff Signature	Title	Date/Time
H. Moseley [MOHO002]	Reviewing Authority	09/09/2023

1 THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
23 COUNTY OF MONTEREY
45 ELECTRONICALLY FILED BY
6 Superior Court of California,
7 County of Monterey
8 On 12/05/2023
9 By Deputy: Jimenez, Teena10 In re John Reed,
1112 Case No. 23HC000130
1314 On Habeas Corpus.
1516 ORDER
17

18 On November 14, 2023, John Reed, an inmate in the custody of the California Department
19 of Custody and Rehabilitation (“CDCR”), filed a petition for writ of habeas corpus, alleging that,
20 when he was transferred between prisons, CDCR failed to issue him “time credits.” The petition
21 does not specify what type of credit or how much credit petitioner was allegedly denied.
22 Petitioner’s administrative grievance, attached, alleged that petitioner was “targeted” and that,
23 because his transfer should not have affected his work group, he was entitled to work group credits.
24 However, neither the petition nor the administrative grievance specify what petitioner’s work
25 group was, except to state that petitioner was eligible for “full duty.” The first level response
thereto noted that approximately 150 inmates were transferred due to a bed space emergency.
Further responses were not attached to the petition.

A petitioner in habeas must make sufficient allegations and “include copies of reasonably
available documentary evidence supporting the claim.” (*People v. Duvall* (1995) 9 Cal.4th 464,
474.) “Conclusory allegations made without any explanation of the basis for the allegations do
not warrant relief, let alone an evidentiary hearing.” (*Ibid.*) Furthermore, a petitioner must
exhaust administrative remedies before resorting to habeas. (*In re Strick* (1983) 148 Cal.App.3d
906, 911.)

1 The petition fails to include adequate allegations or documentation. Without the final
2 response to petitioner's administrative grievances, this court cannot determine whether
3 administrative recourse was adequate or administrative remedies were exhausted. Furthermore,
4 petitioner has not stated the specific quantity of credits to which he believes he is entitled, and
5 therefore it would be impossible for the court to make an order sufficiently specific to address
6 the claim raised in the petition. Finally, although petitioner's administrative grievance refers
7 to work group credits, the petition does not specify to which work group petitioner was assigned.
8 The petition does not allege that petitioner has been refused a wait list or similar status or been
9 improperly classified.

10 Turning to substantive law, prisoners have no fundamental right to classification or
11 assignment within the prison system. (*Moody v. Daggett* (1976) 429 U.S. 78, 87 fn. 9.) Habeas
12 may be used to challenge custody credits, which are largely mandated, but classification scores
13 (and, by way of analogy, work group assignments) are generally left to the discretion of prison
14 authorities. (*In re Jenkins* (2010) 50 Cal.4th 1167, 1178.)

15 CDCR also appears to have followed all relevant regulations. Regarding transfer and
16 work groups, transfer is normally cleared by a committee, but a committee hearing may be
17 bypassed during exigent circumstances. (Tit. 15, Cal. Code reg., § 3379, subd. (a)(1).) Non-
18 adverse transfers do not affect work or privilege group status except for Work Group F members
19 (tit. 15, Cal. Code reg., § 3044.2, subd. (a)(2)) and eligible transferred inmates are to be placed
20 on wait lists and given priority for assignments depending on a variety of factors (*id.*, subd.
21 (a)(3)). The petition does not allege these procedures were not followed.

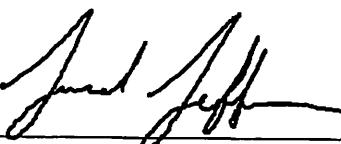
22 Finally, the transfer bypassed a committee due to exigent circumstances and petitioner
23 does not appear to have been "singled out" or unfairly targeted in any way.

24 ///

1 For the foregoing reasons, the petition is DENIED.
2

3
4 IT IS SO ORDERED.
5

6 Dated: 12/4/2023
7


8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

10 Hon. Jared A. Jefferson
11 Judge of the Superior Court
12
13
14
15
16
17
18
19
20
21
22
23
24
25

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SIXTH APPELLATE DISTRICT

In re JOHN REED on Habeas Corpus.

H051870
Monterey County Super. Ct. No. 23HC000130

BY THE COURT:

The petition for writ of habeas corpus is denied.

(Bamattre-Manoukian, Acting P.J., Wilson, J., and Bromberg, J.
participated in this decision.)

Date: 04/08/2024

Patricia Bamattre Manoukian Acting P.J.

AUG 21 2024

Jorge Navarrete Clerk

S284854

Deputy

IN THE SUPREME COURT OF CALIFORNIA**En Banc**

In re JOHN REED on Habeas Corpus.

The petition for writ of habeas corpus is denied.

GUERRERO*Chief Justice*

1 I, John Reed, declare:

5 I am over 18 years of age, and am a party to this action. I am a resident of the Correctional Training
Facility Prison in the County of Monterey, State of California. My prison Address is:

6
7 CDCR #: BF3886

8 Correctional Training Facility
P.O. Box 705, Cell #: LA-A 222
9 Soledad, Ca. 93960-0705

10 On 12-2-24, I served the Attached:

11 Petition for a Writ of Habeas
12 Corpus

13
14
15 On the parties herein by placing true, and correct copies thereof, enclosed in a sealed envelope, with
16 postage thereon fully paid, verified by, and given to prison staff *, for deposit in the United
17 States Mail provided at the above-named Correctional Institution in which I am presently confined.

18 The envelope was addressed as follows:

19 Office of the Clerk, U.S.
20 District Court Northern District
21 of California 1301 Clay Street,
22 400 S Tower Oakland, Ca. 94612-5212

23 I declare under penalty of perjury under the laws of the United States of America that the
24 foregoing is true, and correct.

25

26 Executed on: 12-2-24

John Reed
(Declarant's Signature)

27 * Please, note that according to the prison mail box rule, the document(s) mentioned herein is considered filed the day it is
28 handed over to prison authorities for mailing to the court. See Huizar v. Carev (9th Cir. 2001) 273 F. 3d 1220, 1221;
Moore v. Twomey (2004) 120 Cal. App. 4th 910, 913-918. Houston v. Lack 487 U.S. 266 (1988, U.S.)